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Paper 12
Filed: 19 June 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

XAVIER ESTEVE
Junior Party
(Patent 6,088,924)¹

v.

CARLO DALL'AGLIO and RICCARDO CIPRIANI
Senior Party
(Application 09/875,137)²

Patent Interference No. 105,615 (JL)
(Technology Center 2800)

Before LEE, LANE and MEDLEY, Administrative Patent Judges.

LEE, Administrative Patent Judge.

Judgment -- Sanctions -- Bd. R. 128(b)(8)

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¹ Based on Application 09/043,889, filed March 31, 1998. The real party in interest is ETAMIC SA. Accorded the benefit of PCT/FR96/01545, filed October 3, 1996, and French Application 95/11784, filed October 6, 1995.

² Filed June 7, 2001. The real party in interest is MARPOSS SOCIETA' PER AZIONI. (Paper 4). Accorded the benefit of Application 09/533,784, filed March 24, 2000; Application 09/011,928, filed February 24, 1998; PCT/EP96/04147, filed September 23, 1996; Italian Application B095A000469, filed October 3, 1995.

Interference No. 105,615
Esteve v. Dall'Aglio

1 A telephone conference was held on June 18, 2008, between the patent judge
2 and Mr. Paul Lewis who represents junior party Esteve and Mr. Mark Thronson
3 who represents senior party Dall'Aglio. Counsel for the junior party informed the
4 patent judge that the junior party does not wish to proceed and will not take any
5 action or file any paper in this interference. Consistent with that representation, to
6 this date the junior party has not filed any of the formal and substantive papers
7 required by the Notice Declaring Interference (Paper 1). The initially schedule
8 conference call for June 17, 2008, had to be cancelled because the junior party did
9 not file a list of proposed motions it seeks to file. Based on the foregoing, and in
10 particular on counsel's representation that the junior party declines to take any
11 action in the case, it is now time appropriate to enter judgment against junior party
12 Esteve for failure to prosecute the interference. It is

13 **ORDERED** that judgment as to the subject matter of Count 1 is
14 herein entered against junior party XAVIER ESTEVE;

15 **FURTHER ORDERED** that claims 1-4 and 12 of junior party's
16 involved Patent 6,088,924, which correspond to the count, are herein cancelled;

17 **FURTHER ORDERED** that if there is a settlement agreement, the
18 parties should note the requirements of 35 U.S.C. § 135(c) and Bd. Rule 205; and

19 **FURTHER ORDERED** that a copy of this judgment be placed in the
20 respective involved application or patent of the parties.

Interference No. 105,615
Esteve v. Dall'Aglio

1 cc (via electronic mail):
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